

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 25

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO PERMITS TO APPROPRIATE WATER; AMENDING SECTION 42-218a, IDAHO CODE, TO PROVIDE THAT NOTICE OF LAPSED PERMITS SHALL BE SENT TO PERMIT HOLDERS, TO REVISE PROVISIONS RELATING TO THE REINSTATEMENT OF PERMITS WITHIN SIXTY DAYS AFTER NOTICE OF LAPSING, TO REVISE PROVISIONS AND REQUIREMENTS RELATING TO SUBMISSION OF PROOF OF BENEFICIAL USE STATEMENTS SUBMITTED MORE THAN SIXTY DAYS AFTER NOTICE OF LAPSING, TO PROVIDE FOR THE REINSTATEMENT OF SUCH PERMITS AND THE ADVANCEMENT OF PRIORITY DATES AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 42-218a, Idaho Code, be, and the same is hereby amended to read as follows:

42-218a. LAPSE OF APPLICATION FOR FAILURE TO REQUEST EXTENSION OR SUBMIT PROOF OF APPLICATION TO BENEFICIAL USE -- NOTICE OF LAPSING. A permit upon which the proof of beneficial use has not been submitted, or a request for extension of time has not been received on or before the date set for such proof, shall lapse and be of no further force nor effect. Notice of said lapsing shall be sent by the department to the applicant permit holder at the address of record by regular mail ~~provided:~~.

~~(1.) That within sixty (60) days after such notice of lapsing the department may, upon a showing of reasonable cause, reinstate the permit with the priority date advanced a time equal to the number of days that said showing is subsequent to the date set for proof.~~

~~(2.) That upon receipt of proof of beneficial use after sixty (60) days after such notice of lapsing, the director shall require sufficient evidence to be submitted by the permit holder to clearly establish the extent of beneficial use made during the time authorized by the permit and any extensions of time previously approved. Upon finding that beneficial use had occurred during the authorized period and upon a showing of reasonable cause for filing a late proof of beneficial use, the director may reinstate the permit with the priority date advanced to the day that proof of beneficial use was received. In connection with a proof of beneficial use statement submitted more than sixty (60) days after such notice of lapsing, the director shall require all of the following items to be submitted to the department:~~

~~(a) A report prepared by a certified water right examiner as the result of an examination to clearly confirm and establish the extent of the beneficial use of water established in connection with the permit during the time authorized by the permit and any extensions of time previously approved. The report shall be on the form or forms specified by the director and shall provide the information specified in section 42-217, Idaho Code, for confirming beneficial use and such other information as may be required by the director.~~

1 (b) A statement of reasonable cause for filing a late proof of benefi-
2 cial use.

3 (c) A reinstatement fee of two hundred fifty dollars (\$250).
4 Upon finding that beneficial use had occurred during the authorized period
5 and upon a showing of reasonable cause for filing a late proof of beneficial
6 use, the director may reinstate the permit with the priority date advanced to
7 the day that proof of beneficial use was received.

8 (3-) The original priority date of a lapsed permit shall not be rein-
9 stated except upon a showing of error or mistake of the department.